

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KATE RICKETTS, et al.,	:	
Plaintiffs,	:	Civil Action No. 2:24-cv-00577
 v.	:	 JUDGE MICHAEL H. WATSON
RYAN R. BLACK, et al.,	:	Magistrate Judge Chelsey M. Vascura
Defendants.	:	

MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Now come the Plaintiffs Kelsey Vanscyoc and Kate Ricketts (“Plaintiffs”), by and through undersigned Counsel, and hereby move for leave to file the attached Amended Complaint against Defendants, Ryan R. Black, Hocking County Prosecutor, in both his official and individual capacities, and the Hocking County, Ohio (“Defendants”) pursuant to Rule 15 of the Federal Rules of Civil Procedure. A Memorandum of Law in Support of this Motion is attached hereto.

Respectfully submitted,

/s/ Michael A. Moses

Michael A. Moses, Attorney

Moses Law Offices, L.L.C.

(#0025243)

136 W. Mound Street—Suite 100

Columbus, Ohio 43215-5020

Ph: (614) 224-7294

Fax: (614) 542-0230

Email-michaelmoses@moseslawllc.com

Counsel for Plaintiffs

Kate Ricketts and

Kelsey Vanscyoc

MEMORANDUM IN SUPPORT

The Plaintiffs move the Court for leave to file an amendment to their Complaint in order to add an additional claim. Plaintiffs has added a claim for discrimination and retaliation under 42 USC Sec. 2000e. Plaintiffs note that this amendment does not affect any allegations against the listed Defendants, and, in fact, involves the same continuing course of conduct of the Defendants to deprive Plaintiffs of their employment interest.

Plaintiffs further note that the Amended Complaint adds and/or clarifies additional allegations regarding Defendants' deprivation of their employment and reputational interest caused by the discriminatory, retaliatory course of conduct designed to intimidate and demean them to impugn their reputation, and undermine their employment interest by such acts to constructively discharge themn from their employment.

The Federal Rules of Civil Procedure mandate pursuant to Rule 15(a) that leave to file an amended complaint "shall be freely given when justice so requires." The United States Supreme Court, in *Forman v. Davis*, in construing Federal Rule 15(a), stated that:

This mandate is to be heeded....In the absence of any apparent or declared reason -
- such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure, undue prejudice to the opposing party by virtue of the allowance of the amendment, etc. -- the leave sought should, as the rule requires be "freely given."

Id., 371 U.S. 178, 182 (1962). Rule 15(a) authorizes the filing of an amended complaint to amend allegations upon receipt of additional information for the purpose of narrowing issues for trial.

A liberal amendment policy is prescribed under the Federal Rules. The Court has held that, although the grant or denial of leave to amend a pleading is discretionary, where it is possible that plaintiff, by an amended complaint, may set forth a claim upon which relief can be granted, and it is tendered timely and in good faith and no reason is apparent or disclosed for denying leave, denial of

leave to file such amended complaint is an abuse of discretion. *Rose v. Hartford Underwriters Insurance Co.*, 203 F. 3d 417, 420 (6th Cir. 2000).

Finally, it is noted the Defendants have not yet filed any responsive pleading.

Because the Plaintiffs have demonstrated that Defendants will not be prejudiced by adding the additional claim and allegations, Plaintiffs respectfully request that this Court grant them leave to file the attached Amended Complaint.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was served on Defendants, Ryan R. Black, 88 S. Market St., Logan, Ohio 43138, and Hocking County, Ohio, One East Main St., Logan, Ohio 432138, via Certified Mail, return receipt requested, and electronic mail, upon filing with the Court, this 20th day of February, 2024, at Columbus, Ohio.

/s/ Michael A. Moses
Michael A. Moses (#0025243)